



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,258	10/05/2000	Junichi Kokudo	Q61120	8838
7590	09/08/2004			
SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue N.W. Washington, DC 20037			EXAMINER ODLAND, DAVID E	
			ART UNIT 2662	PAPER NUMBER

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/680,258

Applicant(s)

KOKUDO, JUNICHI

Examiner

David Odland

Art Unit

2662

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06/18/2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-11.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6.
10. ☐ Other: _____

Art Unit: 2662

Continuation of 5b: The Applicant's arguments are not persuasive. On pages 19-22, regarding claims 1-11, the Applicant argues that the Lewis reference does not teach the required "authentication of the authentication request" and that the request is not from an access point, in Lewis. However, both of these limitations were met by the primary reference (APA), as disclosed on page 2 line 18-page 3 line 11.

On pages 22-25, regarding claims 1-11, the Applicant argues that the Examiner's interpretation of the terms "MAC address", where not according to the definition given in the art. However, the Applicant is reminded that the Examiner must interpret the claims in their broadest sense. Thus, in this case a 'Media Access Control' address, can be interpreted as merely an address that is used for controlling which packets have access to a media for transmission. With this interpretation, the 'network address' and/or 'ID' of the mobile stations in the Lewis reference can clearly be considered MAC addresses since these identifiers are used to control which packets are transmitted over the network media and for this reason Lewis does in fact teach the claimed invention. Furthermore, the Applicant's APA on page 3 lines 15-23 shows that the conventional system uses a MAC addresses table for authentication but the prior art is limited by having less than 10000 entries in the table. Therefore, as mentioned in the rejection the APA also teaches this aspect of the claimed invention. Note, the claim does not recite that the table has more than 10,000 entries therefore the claim has not been distinguished over the APA and thus the APA does indeed teach this limitation of the claim. Lastly, although the Applicant, on page 5, has defined the MAC address of the present invention as being a globally unique hardware identifier which is permanently assigned when a device is manufactured and consists of a 48-bit hexadecimal address, neither the specification nor the claim recite any such

Art Unit: 2662

definition for a 'MAC address'. In fact, the Applicant's specification describes a *very different definition* of a MAC address. The specification defines a MAC address as "...a user name or a calling station ID..." (see page 11 lines 28 and 29 of Applicant's specification). Therefore, the 'network address' and/or 'ID' used in the Lewis reference clearly meets the Applicant's own definition of the term 'MAC address' and the rejection is indeed proper. Note, the Applicant's own definition given in the specification is different from known definition in the art as recited in the dictionary definitions supplied by the Applicant.



HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600